

House File 244 - Introduced

HOUSE FILE 244

BY RUNNING-MARQUARDT, KRESSIG,
and STECKMAN

A BILL FOR

1 An Act relating to the operation of bicycles on a highway and
2 to motorists overtaking and passing a bicycle, implement of
3 husbandry, or slow-moving vehicle on a highway, and making
4 penalties applicable.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.299, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. a. The driver of a vehicle overtaking another vehicle
4 proceeding in the same direction shall pass to the left of the
5 other vehicle at a safe distance and shall not again drive
6 to the right side of the roadway until safely clear of the
7 overtaken vehicle.

8 b. The driver of a vehicle overtaking a bicycle proceeding
9 in the same direction shall use an adjacent travel lane to the
10 left of the lane in which the bicycle is traveling to pass and
11 shall maintain a distance of not less than three feet between
12 the right side of the driver's vehicle, including all mirrors
13 and other projections, and the left side of the bicycle. This
14 paragraph does not apply to persons driving an implement of
15 husbandry.

16 Sec. 2. Section 321.304, Code 2013, is amended to read as
17 follows:

18 **321.304 Prohibited passing.**

19 1. No vehicle shall, in overtaking and passing another
20 vehicle or at any other time, be driven to the left side of the
21 roadway under the following conditions:

22 ~~1-~~ a. When approaching the crest of a grade or upon a curve
23 in the highway where the driver's view along the highway is
24 obstructed for a distance of approximately seven hundred feet.

25 ~~2-~~ b. When approaching within one hundred feet of any
26 narrow bridge, viaduct, or tunnel, when so signposted, or
27 when approaching within one hundred feet of or traversing any
28 intersection or railroad grade crossing.

29 ~~3-~~ c. Where official signs are in place directing that
30 traffic keep to the right or a distinctive center line or
31 off-center line is marked, which distinctive line also so
32 directs traffic as declared in the sign manual adopted by the
33 department of transportation.

34 2. Subsection 1 does not apply to a vehicle passing a
35 bicyclist or implement of husbandry, or passing a slow-moving

1 vehicle displaying a reflective device or alternative
2 reflective device as provided by section 321.383, when the
3 movement can be made safely and without interfering with,
4 impeding, or endangering other traffic.

5 Sec. 3. Section 321.385A, Code 2013, is amended to read as
6 follows:

7 **321.385A Citation for unlighted headlamp, rear lamp or**
8 **reflector, or rear registration plate light.**

9 1. *a.* A citation issued for failure to have one or more
10 headlamps as required under section 321.385 or 321.397 shall
11 first provide for a seventy-two hour period within which the
12 person charged with the violation shall replace or repair the
13 headlamp.

14 *b.* A citation issued for failure to have rear lamps as
15 required under section 321.387, a rear lamp or reflector as
16 required under section 321.397, or a rear registration plate
17 light as required under section 321.388 shall first provide
18 for a seventy-two hour period within which the person charged
19 with the violation shall replace or repair the ~~lamps~~ lamp,
20 reflector, or light.

21 2. If the person complies with the directive to replace
22 or repair the headlamp, rear ~~lamps~~ lamp, reflector, or rear
23 registration plate light within the allotted time period,
24 the citation shall be expunged. If the person fails to
25 comply within the allotted time period, the citation shall be
26 processed in the same manner as other citations.

27 3. A citation issued under this section shall include a
28 written notice of replacement or repair which shall indicate
29 the date of replacement or repair and the manner in which the
30 replacement or repair occurred and which shall be returned to
31 the issuing authority within the seventy-two hour time period.

32 Sec. 4. Section 805.8A, subsection 6, paragraph i, Code
33 2013, is amended to read as follows:

34 *i.* Section 321.304, ~~subsections 1~~
35 ~~and 2~~ subsection 1, paragraphs "a" and

1 "b".....\$100.

2 Sec. 5. Section 805.8A, subsection 8, paragraph d, Code
3 2013, is amended to read as follows:

4 d. Section 321.304, subsection 3 1,
5 paragraph "c".....\$100.

6 EXPLANATION

7 This bill contains provisions relating to bicycles ridden
8 on a highway and to vehicles passing bicycles and certain slow
9 vehicles.

10 The bill amends Code section 321.299 to require the driver
11 of a vehicle overtaking a bicycle proceeding in the same
12 direction to use an adjacent travel lane to the left of the
13 bicyclist to pass and to maintain a distance of not less than
14 three feet between the right side of the driver's vehicle,
15 including all mirrors and other projections, and the left side
16 of the bicyclist. The requirement does not apply to a person
17 driving an implement of husbandry. Pursuant to current law,
18 a violation of Code section 321.299 is a simple misdemeanor
19 punishable by a scheduled fine of \$100. In addition, if the
20 violation causes serious injury to another person, the court
21 may impose an additional fine of \$500 or driver's license
22 suspension for up to 90 days, or both. If the violation
23 results in an accident causing a death, the court may impose an
24 additional fine of \$1,000 or driver's license suspension for
25 up to 180 days, or both.

26 Code section 321.304 currently prohibits the driver of
27 a vehicle from overtaking and passing another vehicle or
28 otherwise driving on the left side of the roadway under the
29 following conditions: when approaching the crest of a grade
30 or on a curve where the driver's view is obstructed for a
31 distance of approximately 700 feet; when approaching within 100
32 feet of a sign-posted narrow bridge, viaduct, or tunnel; when
33 approaching within 100 feet of or traversing an intersection
34 or railroad grade crossing; and where official signs or
35 line-markings direct that traffic keep to the right. The bill

1 provides an exception to the limitations on driving on the
2 left side of the roadway for a vehicle passing a bicyclist
3 or implement of husbandry, or passing a slow-moving vehicle
4 displaying a proper reflective device, when the movement
5 can be made safely and without interfering with, impeding,
6 or endangering other traffic. Pursuant to current law, a
7 violation of Code section 321.304 is a simple misdemeanor
8 punishable by a scheduled fine of \$100. In addition, if the
9 violation causes serious injury to another person, the court
10 may impose an additional fine of \$500 or driver's license
11 suspension for up to 90 days, or both. If the violation
12 results in an accident causing a death, the court may impose an
13 additional fine of \$1,000 or driver's license suspension for
14 up to 180 days, or both.

15 Under current law, when a citation is issued to the driver
16 of a vehicle for failure to have headlamps, rear lamps, or a
17 rear registration plate light, the citation includes a notice
18 of replacement or repair to be completed and returned to the
19 issuing authority within 72 hours. If the person complies
20 with the directive within 72 hours, the citation is expunged.
21 The bill amends Code section 321.385A to provide that if a
22 person is issued a citation for failure to have a bicycle
23 headlamp, rear light, or rear reflector, the person shall
24 receive the same type of citation providing a 72-hour period
25 within which to make the required replacement or repair and
26 have the citation expunged. The penalty for violation of
27 bicycle lighting requirements is not changed under the bill. A
28 violation is currently punishable by a scheduled fine of \$25.